IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 15TH JANUARY 2007 / 25TH PAUSHA 1928

Bail Appl..No. 7657 of 2006()

AGAINST THE ORDER DATED 11/12/2006 IN ORDER IN CRMP.662/2006 IN OR.3/06 of SPL. COURT (NDPS ACT CASES), VADAKARA

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PETITIONER/2ND ACCUSED

RAMESH T.V., AGED 40 YEARS,
S/O. GOVINDAN, PANKAJA NIVAS,
PALLICHAL, CHERUKUNNU, KANNUR DISTRICT.

BY ADV. SRI.C.VALSALAN
SRI.GHOSH YOHANNAN
SRI.K.RAKESH ROSHAN
SMT.THUSHARA.V

RESPONDENT: COMPLAINANT

STATE OF KERALA,
(NARCOTIC CENTRAL BUREAU, THIRUVANANTHAPURAM),
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY SRI.C.P.UDAYABHANU (SC – NCB)

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 15/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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BAIL APPLICATION NO.7657 OF 2006

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DATED THIS THE 15th DAY OF JANUARY, 2007

O R D E R

In this second application, petitioner who is the second accused in O.R.No.3/06 of Narcotic Control Bureau(NCB), Thiruvananthapuram, for offences punishable under sections 21(c), 27A and 29 of the NDPS Act, 1985, seeks his enlargement on bail.

2. Advocate Shri C.P.Udayabhanu, Standing counsel for Narcotic Control Bureau opposed the application.

3. The facts of the case will reveal that on 19.8.2006 the first accused was arrested from the International Air Port at Calicut with 750 gms of heroin worth Rs.75 lakhs. During interrogation, the NCB officials recorded a statement of the first accused under section 67 of the NDPS Act in which he had revealed the complicity of the petitioner herein. Thereupon the petitioner was arrested on 20.8.2006 from Kannur. The statement of the petitioner recorded under 67 of the Act also corroborates the statement of the first accused to the effect that the petitioner had advanced money for procuring the narcotic drug of which the first accused was the carrier.

4. It is too early to accept the petitioner's contention that he has been falsely implicated in the case and he has nothing to do with

the narcotic drug seized from the possession of the first accused. I am not satisfied that both the grounds enumerated under section 37(2)(b)(ii) of the NDPS Act are present in this case so as to justify the release of the petitioner on bail.

This petition is accordingly dismissed.

V.RAMKUMAR, JUDGE

dsn